

COMMUNITY Notice

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

PROPOSED PERMIT MODIFICATION OF HAZARDOUS WASTE PERMIT, FILTER RECYCLING SERVICES, INC., RIALTO, CA

Para información de esta aviso en español por favor comuníquese con Jesus Cruz al número (916) 255-3315.

The California Department of Toxic Substances Control (DTSC) invites public comment on the proposed modified permit for Filter Recycling Services, Inc. (FRS). FRS is a hazardous waste storage and treatment facility located at 180 W. Monte Avenue in Rialto, California. If approved, the proposed modified permit would allow FRS to manage new waste streams, double-stack cubic yard boxes and liquid totes, designate another area at the facility to store hazardous waste, increase the size of an existing storage area, and allow waste to be transferred from truck to truck.

We also invite you to comment on the proposed Negative Declaration prepared to comply with the California Environmental Quality Act (CEQA).

What is a Permit and Why a Permit Is Necessary?

DTSC regulates the generation, storage, treatment, and disposal of hazardous waste in California. A permit is one of the tools used by DTSC to regulate the hazardous waste management activities at facilities. Permits are developed after DTSC's detailed technical review, and are intended to ensure that the facility operates in a manner that protects public health and the environment. DTSC is authorized to impose special conditions in this permit pursuant to Health and Safety Code section 25200 and the regulations in California Code of Regulations, title 22, division 4.5 governing tanks, containers and other facility and operation standards. From time to time, a facility may need to change its operations due to business conditions or operational needs. The facility at that time may request DTSC to modify its permit.

Permit History

FRS has operated at the Rialto location since 1990, and was granted Interim Status in 1993. DTSC issued a Standardized Hazardous Waste Facility Permit for FRS



45-Day Public Comment Period, February 15 through April 2, 2013

Project related documents are available for review and comment, at the repository locations listed on page 3. DTSC will make a final decision after all public comment has been considered.

Please submit written comments postmarked or received by email on April 2, 2013 to:

Mr. Waqar Ahmad
Project Manager
Department of Toxic
Substances Control
700 Heinz Street
Berkeley, California 94710
wahmad@dtsc.ca.gov

A public meeting/hearing will be held on March 19, 2013 at 5:30 pm at the Rialto Branch Public Library. Location details listed on page 3.

on December 17, 2001. The decision was appealed. The permit decision was stayed and FRS continued to operate the Facility under the terms and conditions of a pre-existing Consent Order entered into by DTSC and FRS.

On October 23, 2006, DTSC rescinded the stay of the permit decision and the Standardized Permit became effective retroactively to January 21, 2002. The permit expired on January 21, 2012. Prior to the expiration of the permit, FRS submitted an application to renew the permit. By law, FRS is allowed to continue to operate under the terms of the expired permit until DTSC makes a final decision on the permit renewal application.

Also prior to the expiration of the permit, FRS submitted a request to modify its permit. FRS originally requested a Class 2 permit modification in accordance with California Code of Regulations, Title 22, Section 66270.42 (b). DTSC determined that the original permit modification request did not comply with appropriate legal requirements and DTSC changed the terms of the Class 2 permit modification pursuant to Section 66270.42 (b). Additionally, because the complex nature of the changes, DTSC determined that the permit modification should follow the procedures for a Class 3 permit modification. A Class 3 permit modification requires an additional public comment period to solicit comments on the draft modified permit prior to DTSC making the final decision on FRS's permit modification request.

Facility Operations

FRS accepts mainly contaminated containers of various types and uses shredder/separator units to collect the recovery of metals which are then sent to an offsite smelter for metal reclamation. During the shredding and separation process, hazardous wastes are generated and are sent to offsite treatment or disposal facilities. FRS also shreds consumer products which the manufacturer requires to be certified destroyed. Additionally, FRS

accepts waste antifreeze, used oil, and solids contaminated with oil that are bulked into larger containers and sent to an offsite recovery or disposal facility.

Proposed Changes

This permit modification will make the following changes to the Standardized Permit:

1. Allow FRS to manage new waste streams and allow FRS to use the facility's existing permitted hazardous waste units to manage these new wastes. The new waste stream are asbestos, catalyst, pharmaceuticals, treated wood wastes, oily waters, and RCRA-exempted gasoline/water wastes which are collected only from conditionally exempt small quantity generators (CESQG) operations and from household generators.
2. Allow cubic yard boxes and liquid totes to be stacked no more than two high within the permitted units.
3. Consolidate two existing permitted storage units which will increase the size of the new combined storage unit but will not increase the capacity of the new combined unit.
4. Add a permitted storage unit by designating an additional area at the facility for storage of hazardous waste.
5. Add truck-to-truck transfer as a permitted activity.

California Environmental Quality Act (CEQA)

In addition to the permit modification, DTSC has prepared a Negative Declaration for this project in accordance with CEQA and the State guidelines which is available for public review.

Enforcement History

DTSC inspects the FRS on a regular basis to ensure compliance with California Laws, regulations and permit conditions. In 2007, DTSC investigated a complaint related to FRS's tanker-to-tanker transfer of used oil, and found alleged violations including but not limited to

falsified operating records relating to these unauthorized transfers; failure to maintain operating records; and failure to submit to DTSC the generator copy and TSDf copies of hazardous waste manifests for out of state shipments.

In June 2009, DTSC inspected the FRS and found additional alleged violations, including the following: failure to follow Waste Analysis Plan; receipt and storage of hazardous waste not authorized by its existing permit; failure to test specific waste streams known to have ignitable properties; failure to note significant discrepancies on incoming hazardous waste manifest and ensure that waste were properly manifested by its generators; failure to accurately record testing results; and storage of hazardous waste in unpermitted areas outside the facility.

DTSC conducted follow-up inspections in September 2009 and April 2012, and determined that many of the alleged violations are ongoing. DTSC also determined that FRS was emptying bulk containers of solid hazardous waste onto the ground at the facility, in violation of its existing permit.

There is currently ongoing enforcement action related to alleged violations discovered during the DTSC investigations and inspections in 2007, 2009, and 2012.

Next Steps

A public meeting and hearing will be held on March 19, 2013 to receive public comments for the draft modified permit and the proposed negative declaration. The meeting/hearing will take place at 5:30 pm, at the Rialto Branch Public Library, 251 West First Street, Rialto, California 92376.

DTSC will not make a final decision on FRS's permit modification request until all public comments have been reviewed and considered. Following the review

of the public comments, DTSC will issue a Response to Comments document. The Response to Comments is DTSC's formal written response to all comments received. It will be made available to the public and will be placed in the information repositories listed below.

Where To Find More Information

The proposed permit modification and other project documents are available for review at:

Rialto Public Library, 251 West First Street, Rialto, California Contact Reference Librarian, Phone: (909) 875-0144.

And, DTSC's EnviroStor website located at: http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=CAD982444481

Who to Contact For More Information

For questions about the FRS site please contact the following DTSC staff:

Mr. Waqar Ahmad, DTSC Project Manager at (510) 540-3932, wahmad@dtsc.ca.gov.

Or,

Mr. Tim Chauvel, DTSC Public Participation Specialist at (714) 484-5487, tchauvel@dtsc.ca.gov.

For Media Enquiries Only

Charlotte Fadipe
DTSC Public Information Officer
(916) 323-3395
cfadipe@dtsc.ca.gov

For more information about DTSC, please visit our website at: www.dtsc.ca.gov



Department of Toxic Substances Control

Tim Chauvel, Public Participation Specialist

5796 Corporate Avenue

Cypress, CA 90630

Inside: Information on the FILTER RECYCLING INC., Rialto, California

For more information about the DTSC, please visit our web site at: www.dtsc.ca.gov